

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed March 23, 2007. Claims 1 and 20 are amended, no claims are cancelled, and new claims 24-31 are added. Claims 9-19 were previously withdrawn. Claims 1-8 and 20-31 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicants note that the remarks, or a lack of remarks, herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Further, Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims 1-8 and 20-23 under 35 U.S.C. § 103

Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

a. claims 1-8

The Office Action has rejected claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0028048 to Dair et al (“Dair”) in view of U.S. Patent Publication No. 2002/002768 to Bartur et al. (“Bartur”). Applicants respectfully disagree.

As noted above, Applicants have amended independent claim 1 to recite in part “a signal trace layer that provides one or more signal pathways between the optical subassembly and the transceiver substrate, a first ground plane layer positioned on a first side of the signal trace layer; and a second ground plane layer positioned on a second side of the signal trace layer, wherein at least one of the first or second ground plane layers connect a body of the optical subassembly to a common mode grounding capacitor.” Support for such amendment is found at least at paragraphs [0031] – [0035] and figures 4A-4C of the originally filed specification.

In sharp contrast, the Office Action has not shown that Dair and/or Bartur, either singularly or when combined in the allegedly obvious manner, teaches or suggests a system configured for minimizing electromagnetic radiation in an optical transceiver as recited in amended claim 1. Accordingly, the Applicants respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness with respect to claims 1-8, at least because the Office Action has failed to show that the recited art, either singularly or in combination, teaches or suggests all of the claim limitations of claim 1. Applicant thus respectfully submits that the obviousness rejection of claim 1-8 should be withdrawn.

b. claims 20-23

The Office Action has rejected claims 20-23 under 35 U.S.C. § 103(a) as being unpatentable over Dair in view of Bartur. Applicants respectfully disagree.

As noted above, Applicants have amended independent claim 20 to recite in part “transferring a high frequency electrical signal between a transceiver substrate and an optical subassembly through a multilayered coupling member, wherein the multilayered coupling member includes a signal trace layer, a first ground plane layer positioned on a first side of the signal trace layer and a second ground plane layer positioned on a second side of the signal trace layer. . .” Support for such amendment is found at least at paragraphs [0031] – [0035] and figures 4A-4C of the originally filed specification.

In sharp contrast, the Office Action has not shown that Dair and/or Bartur, either singularly or when combined in the allegedly obvious manner, teaches or suggests a method of minimizing electromagnetic radiation in an optical transceiver as recited in amended claim 20. Accordingly, the Applicants respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness with respect to claims 20-23, at least because the Office Action has failed to show that the recited art, either singularly or in combination, teaches or suggests all of the claim limitations of claim 20. Applicant thus respectfully submits that the obviousness rejection of claim 20-23 should be withdrawn.

III. New Claims

As shown above, Applicants have added new claims 24-31. Applicants note that new claims 24-31 are allowable over the cited art at least because the cited art does not teach or suggest all of the limitations of newly independent claim 24. Accordingly, Applicants request allowance of new independent claim 24 and new dependent claims 25-31 based on their dependence from new independent claim 24.

CONCLUSION

In view of the foregoing, Applicants believe that the claims as amended or presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 17th day of August, 2007.

Respectfully submitted,



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